

REMARKS

The present Amendment amends claim 7. Upon entry of this Amendment, claims 1-5, 7-14, 20-34 will be pending and in condition for allowance, and there will be a total of twenty-eight claims pending, of which claims 1, 7, 11, 20, and 31 are independent. If any additional fees are deemed to be necessary, please charge such fees to Deposit Account No. 061910 accordingly.

Examiner rejects claims 7-9, 25-27, and 30-33 under 35 U.S.C. 102(b) as being anticipated by Sivachenko (4,291,510).

Examiner asserts that Siavenko discloses the following:

Several spaced-apart frame members (4) connected by cross members (8). The each frame member (4) has a generally horizontal, corrugated protrusion (36) formed on an upper corner portion of the frame member (4). Each protrusion opposes a protrusion on another frame member (4). Each cross member (8) has a corrugated end portion that mates with a corrugated protrusion (36). Bolts (54) connect the protrusions to the end portions. The corrugations are formed with a generally “w” shape. The lower ends of the frame members (4) are capable of being coupled to a vehicle as broadly claimed.

In light of Examiner’s rejection, Applicant amends claim 7 to read “An overhead frame structure for a vehicle comprising” instead of “An overhead frame structure comprising”. As such, Applicant believes claim 7, as amended, falls outside the teachings of Siavenko since Siavenko has no suggestion of coupling the building side walls 4 to a vehicle. Additionally, the coupling that is taught by Siavenko references the building side walls 4 being “anchored to foundations” (Col. 8, lines 61-62). Siavenko later describes these foundations as being

comprised of concrete (Col. 9, lines 35-36). Applicant believes that this kind of teaching severely limits the areas of art in which Siavenko can be applied. In turn, Applicant believes that those areas of art do not include vehicle applications. As such, Applicant believes that claim 7, as amended, is patentable over Siavenko. Further, claims 8-9, 25-27, and 30, either directly or through other claims, are all dependent from claim 7, and as such are believed by Applicant to also be patentable over Siavenko.

Based on Applicant's above argument with respect to claim 7, Applicant believes current claim 31 also falls outside of the scope of the teachings of Siavenko as it already references the overhead frame structure as "for a vehicle". As such, Applicant believes that current claim 31, for the reasons given above, is also patentable over Siavenko. Further, claims 32-33 are dependent from claim 31, and as such are believed by Applicant to also be patentable over Siavenko.

Applicants believe that the amendments are fully supported by the specification and application as a whole. Applicants have amended the claims solely to advance prosecution of this application and to obtain the allowance of claims at the earliest possible date. No admission should be inferred by these amendments. Applicants reserve the right to prosecute the originally filed claims in a continuation application.

In light of the above, Applicants submit that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Application No. 10/645,867

Respectfully submitted,



John S. Parzych
Registration No. 52,097

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, Minnesota 55402-1425
Telephone: (612) 492-7279
Facsimile: (612) 492-7077

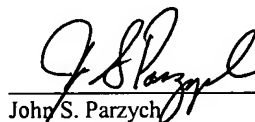
Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on

March 29, 2005

Date of Deposit



John S. Parzych

#3096394\1